

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination.

The last Office Action of May 24, 2005 has been carefully considered.

It is noted that claims 1-8, 8-10 and 12 are rejected under 35 U.S.C. 102(e) over the patent to Remer.

Claims 6, 7, and 11 are rejected under 35 U.S.C. 103 over the patent to Remer in view of the patent to Coley.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants amended claims 1 and 12 which defines a new method of establishing a data connection between first and second computing devices, and also claim 8 which defines an arrangement for exchanging data.

In accordance with the present invention as now defined in the above listed independent claims, the third computing device is formed as a

firewall, while the fourth computing device is formed as a proxy. Therefore the method of establishing a data connection in accordance with the present invention as defined in the method claims is carried out, and the arrangement for arranging data as defined in the apparatus claim is configured so that the third computing device formed as a firewall and the fourth computing device formed as a proxy are utilized and operate correspondingly.

Turning now to the references and in particular to the patent to Remer, it is true that this reference teaches a method of establishing a data connection between the first and second computing devices with the features specified by the Examiner in the Office Action. However, in the method disclosed in the reference there is no third computing device formed as a firewall and fourth computing device formed as a proxy.

Therefore it is believed to be clear that this reference does not teach the new features of the present invention which are now defined in the independent method claims 1 and 12.

The Examiner rejected the original claims over this reference as being anticipated. In connection with this, it is believed to be advisable to cite the decision in *re Lindemann Maschinenfabrik GmbH v. American*

Holst & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

It is clear that the patent to Reiner does not include each and every element of the method in accordance with the present invention as defined in claims 1 and 12 and of the arrangement of the present invention as defined in claim 8 as amended, and therefore the anticipation rejection should be considered as no longer tenable with respect to amended claims 1, 8 and 12, and should be withdrawn.

The patent to Coley also does not teach the new features of the present invention which are now defined in the amended claims 1, 8 and 12. As for the combination of the references suggested by the Examiner, it is believed that any combination of these two references would not lead to the applicant's invention, unless the references are significantly modified, in particular by directly including into them the new features of the present invention which are now defined in the amended claims 1, 8 and 12. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for such modifications.

Therefore it is believed that the rejection of original claims over the combination of the references as being obvious should be considered as no longer tenable with respect to the amended claims 1, 8 and 12 and should be withdrawn as well.

As for the dependent claims, these claims depend on the corresponding independent claims, they share their presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

  
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